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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,808	08/04/2000	Lawrence A. Denny	1950.006	2511

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EXAMINER

FRENEL, VANEL

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/632,808	<b>Applicant(s)</b> DENNY, LAWRENCE A.	
	<b>Examiner</b> Vanel Frenel	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/16/05 has been entered.

### Notice to Applicant

2. This communication is in response to the RCE filed on 05/16/05. Claims 1, 4-8 have been amended

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al (6,202,923), Kobylevsky et al (6,493,427) in view of Denny (6,687,676).

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(A) As per claim 1, Boyer discloses a method for verifying a renewal of a filled prescription provided by a member health care provider for a patient which can be filled through any one of a variety of member pharmacies (See Boyer, Col.5, lines 8-61) receiving, by the host system via the internet, renewal request information from the computer system associated with one of the member pharmacies, the renewal request information identifying a requested renewal of the previously filled prescription (See Kobylevsky, Col.8, lines 1-54).

Boyer and Kobylevsky do not explicitly disclose with the member health care provider being associated with a computer system having a web browser and each member pharmacy having a computer system with a web browser comprising the steps of: providing a host system established as a website communicating with the Internet and available for login by member pharmacies and member health care providers, the host system including records for a plurality of patients, each of the records containing prescription information including a unique health care provider code identifying the member health care provider who prescribed the prescription, and a patient code uniquely identifying the patient receiving the prescription, at least some of the records containing prescription information indicative of filled prescriptions, providing electronically a prescription renewal screen by the host system to a computer system associated with one of the member pharmacies, the prescription renewal screen being associated with a previously filled prescription; transmitting by the host system via the internet, the renewal request information through the host system to a computer system associated with a the member health care provider identified by the previously filled

prescription stored on the host system such that the renewal request information is loaded within the web browser of the computer system and perceived by the health care provider; receiving, by the host system via the internet, an authorization from the computer system associated with the health care provider authorizing the requested renewal of the previously filled prescription; transmitting, by the host system via the internet, the authorization to a computer system associated with the member pharmacy from which the renewal request originated, the authorization being loaded within the web browser of the computer system whereby the pharmacist associated with the pharmacy system is authorized to provide the requested renewal of the previously filled prescription to the patient.

However, these features are known in the art, as evidenced by Denny. In particular, Denny suggests with the member health care provider being associated with a computer system having a web browser and each member pharmacy having a computer system with a web browser (See Denny, Col.3, lines 20-53) comprising the steps of: providing a host system established as a website communicating with the Internet and available for login by member pharmacies and member health care providers, the host system including records for a plurality of patients, each of the records containing prescription information including a unique health care provider code identifying the member health care provider who prescribed the prescription, and a patient code uniquely identifying the patient receiving the prescription, at least some of the records containing prescription information indicative of filled prescriptions, providing electronically a prescription renewal screen by the host system to a computer system

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associated with one of the member pharmacies, the prescription renewal screen being associated with a previously filled prescription (See Denny, Col.3, lines 20-53); transmitting by the host system via the internet, the renewal request information through the host system to a computer system associated with a the member health care provider identified by the previously filled prescription stored on the host system such that the renewal request information is loaded within the web browser of the computer system and perceived by the health care provider (See Denny, Col.6, lines 1-59); receiving, by the host system via the internet, an authorization from the computer system associated with the health care provider authorizing the requested renewal of the previously filled prescription (See Denny, Col.3; lines 20-53); transmitting, by the host system via the internet, the authorization to a computer system associated with the member pharmacy from which the renewal request originated, the authorization being loaded within the web browser of the computer system whereby the pharmacist associated with the pharmacy system is authorized to provide the requested renewal of the previously filled prescription to the patient (See Denny, Col.2, lines 30-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Denny within the combined teachings of Boyer and Kobylevsky with the motivation of providing a prescription verification system capable of minimizing the fraud abuse and errors associated with prescription drugs (See Denny, Col.1, lines 61-63).

(B) As per claim 4, Denny discloses the method further comprising the step of outputting a report to a computer associated with a user other than a member health care provider or a member pharmacy (See Denny, Col.2, lines 30-45).

(C) As per claim 5, Denny discloses the method wherein the user is associated with a governmental entity (See Denny, Col.1, lines 16-27).

(D) As per claim 6, Denny discloses the method wherein the user is associated with an insurance company (See Dennis, Col.7, lines 23-32).

(E) As per claim 7, Denny discloses the method wherein the report is summarized by the name of the prescribing member health care provider (See Denny, Col.2, lines 46-59).

(F) As per claim 8, Denny discloses the method further comprising the step of outputting a patient prescription history, wherein the patient prescription history includes previous patient prescriptions associated by at least one of a patient code, a health care provider code, and a pharmacy code (See Denny, Col.11, lines 1-11).

(G) As per claim 9, Denny discloses the method, further comprising the step of determining whether the member health care provider identified by the previously filled prescription stored on the host system is logged onto the host system prior to the step

of transmitting the renewal request to the computer system associated with the member health care provider identified by the previously filled prescription stored on the host system (See Denny, Col.2, lines 30-60).

(H) As per claim 10, Boyer discloses the method further comprising the step of notifying the health care provider that the renewal request information has been received (See Boyer, Col.5, lines 8-46).

(I) As per claim 11, Denny discloses the method wherein the step of notifying is defined further as transmitting an indicator by the host system to the computer system associated with the member health care provider identified by the previously filled prescription stored on the host system (See Denny, Col.2, lines 30-60).

(J) As per claim 12, Denny discloses the method wherein the step of transmitting the renewal request to the computer system associated with the member health care provider is preceded by the step of delivering, immediately after the renewal request information is received by the host system, the renewal request information to a message box associated with the host system for delivery to the member health care provider (See Denny, Col.7, lines 6-60).

(K) As per claim 13, Denny discloses the method wherein the authorization includes a message from the health care provider (See Denny Col.7, lines 6-60).



(L) As per claim 14, Denny discloses the method wherein the renewal is considered by the host system as a "new" prescription, and the host system generates a new database record for the renewal (See Denny, Col.9, lines 1-55).

(M) As per claim 15, Boyer discloses a method for verifying a renewal of a filled prescription provided by a member health care provider for a patient which can be filled through any one of a variety of member pharmacies (See Boyer, Col.5, lines 8-61) receiving, by the host system via the Internet renewal request information from the computer system associated with one of the member pharmacies, the renewal request information identifying a requested renewal of the previously filled prescription (See Kobylevsky, Col.8, lines 1-54).

Boyer and Kobylevsky do not explicitly disclose with the member health care provider being associated with a computer system having a web browser and each member pharmacy having a computer system with a web browser, comprising the steps of: providing a host system established as a website communicating with the Internet and available for login by member pharmacies and member health care providers, the host system including records for a plurality of patients, each of the records containing prescription information including a unique health care provider code identifying the member health care provider who prescribed the prescription, and a patient code uniquely identifying the patient receiving the prescription, at least some of the records containing prescription information indicative of filled prescriptions, the host system also

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storing passwords for verifying the identity of a plurality of member pharmacies, and also storing passwords for verifying the identity of a plurality of member health care providers; receiving a login request from the web browser of a computer system of one of the member pharmacies; verifying that the login request is associated with one of the member pharmacies; providing electronically a prescription renewal screen by the host system to a the computer system associated with one of the member pharmacies, the prescription renewal screen being associated with a previously filled prescription; receiving a login request from the web browser of another computer system associated with one of the member health care providers; verifying that the login request is associated with the member health care provider identified by the previously filled prescription; transmitting, by the host system via the Internet, the renewal request information through the host system to the computer system associated with the member health care provider identified by the previously filled prescription stored on the host computer system and perceived by the health care provider; receiving, by the host system via the Internet, an authorization from the computer system associated with the health care provider authorizing the requested renewal of the previously filled prescription; transmitting, by the host system via the internet, the authorization to a computer system associated with the member pharmacy from which the renewal request originated, the authorization being loaded within the web browser of the computer system whereby the pharmacist associated with the pharmacy system is authorized to provide the requested renewal of the previously filled prescription to the patient.

However, these features are known in the art, as evidenced by Denny. In particular, Denny suggests with the member health care provider being associated with a computer system having a web browser and each member pharmacy having a computer system with a web browser (See Denny, Col.3, lines 20-53), comprising the steps of: providing a host system established as a website communicating with the Internet and available for login by member pharmacies and member health care providers, the host system including records for a plurality of patients, each of the records containing prescription information including a unique health care provider code identifying the member health care provider who prescribed the prescription, and a patient code uniquely identifying the patient receiving the prescription, at least some of the records containing prescription information indicative of filled prescriptions, the host system also storing passwords for verifying the identity of a plurality of member pharmacies, and also storing passwords for verifying the identity of a plurality of member health care providers (See Denny, Col.3, lines 20-53); receiving a login request from the web browser of a computer system of one of the member pharmacies (See Denny, Col.3, lines 20-53); verifying that the login request is associated with one of the member pharmacies (See Denny, Col.3, lines 20-53); providing electronically a prescription renewal screen by the host system to a the computer system associated with one of the member pharmacies, the prescription renewal screen being associated with a previously filled prescription (See Denny, Col.3, lines 20-53); receiving a login request from the web browser of another computer system associated with one of the member health care providers; verifying that the login request is associated with the

member health care provider identified by the previously filled prescription (See Denny, Col.3, lines 20-53); transmitting, by the host system via the Internet, the renewal request information through the host system to the computer system associated with the member health care provider identified by the previously filled prescription stored on the host computer system and perceived by the health care provider; receiving, by the host system via the Internet, an authorization from the computer system associated with the health care provider authorizing the requested renewal of the previously filled prescription (See Denny, Col.3, lines 20-53); transmitting, by the host system via the internet, the authorization to a computer system associated with the member pharmacy from which the renewal request originated, the authorization being loaded within the web browser of the computer system whereby the pharmacist associated with the pharmacy system is authorized to provide the requested renewal of the previously filled prescription to the patient (See Denny, Col.2, lines 30-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Denny within the combined teachings of Boyer and Kobylevsky with the motivation of providing a prescription verification system capable of minimizing the fraud abuse and errors associated with prescription drugs (See Denny, Col.1, lines 61-63).

(N) As per claim 27, Boyer discloses a method for verifying a renewal of a filled prescription provided by a member health care provider for a patient which can be filled through member pharmacies (See Boyer, Col.5, lines 8-61) receiving, by the host

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system via the internet, renewal request information from the computer system associated with one of the member pharmacies, the renewal request information identifying a requested renewal of the previously filled prescription (See Kobylevsky, Col.8, lines 1-54).

Boyer and Kobylevsky do not explicitly disclose with the member health care provider being associated with a computer system having a web browser and each member pharmacy having a computer system with a web browser, comprising the steps of: providing a host system established as a website communicating with the Internet and available for login by member pharmacies and member health care providers, the host system including records for a plurality of patients, each of the records containing prescription information including a unique health care provider code identifying the member health care provider who prescribed the prescription, and a patient code uniquely identifying the patient receiving the prescription, at least some of the records containing prescription information indicative of filled prescriptions, the host system storing passwords for verifying the identity of at least two member pharmacies not affiliated with each other, and also storing passwords for verifying the identity of a plurality of member health care providers; receiving a login request from the web browser of a computer system, verifying that the login request is associated with one of the member pharmacies; providing electronically a prescription renewal screen by the host system to a the computer system associated with one of the member pharmacies, the prescription renewal screen being associated with a previously filled prescription; receiving a login request from the web browser of another computer system; verifying

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that the login request is associated with the member health care provider identified by the previously filled prescription; transmitting, by the host system via the internet, the renewal request information through the host system to the computer system associated with the member health care provider identified by the previously filled prescription stored on the host system such that the renewal request information is loaded within the web browser of the computer system and perceived by the health care provider; receiving, by the host system via the internet, an authorization from the computer system associated with the health care provider authorizing the requested renewal of the previously filled prescription; transmitting, by the host system via the internet, the authorization to a computer system associated with the member pharmacy from which the renewal request originated, the authorization being loaded within the web browser of the computer system whereby the pharmacist associated with the pharmacy system is authorized to provide the requested renewal of the previously filled prescription to the patient.

However, these features are known in the art, as evidenced by Denny. In particular, Denny suggests with the member health care provider being associated with a computer system having a web browser and each member pharmacy having a computer system with a web browser (See Denny, Col.3, lines 20-53), comprising the steps of: providing a host system established as a website communicating with the Internet and available for login by member pharmacies and member health care providers, the host system including records for a plurality of patients, each of the records containing prescription information including a unique health care provider code

identifying the member health care provider who prescribed the prescription, and a patient code uniquely identifying the patient receiving the prescription, at least some of the records containing prescription information indicative of filled prescriptions, the host system storing passwords for verifying the identity of at least two member pharmacies not affiliated with each other, and also storing passwords for verifying the identity of a plurality of member health care providers (See Denny, Col.3, lines 20-53); receiving a login request from the web browser of a computer system, verifying that the login request is associated with one of the member pharmacies (See Denny, Col.3, lines 20-53); providing electronically a prescription renewal screen by the host system to a the computer system associated with one of the member pharmacies, the prescription renewal screen being associated with a previously filled prescription (See Denny, Col.3, lines 20-53); receiving a login request from the web browser of another computer system; verifying that the login request is associated with the member health care provider identified by the previously filled prescription (See Denny, Col.3, lines 20-53); transmitting, by the host system via the internet, the renewal request information through the host system to the computer system associated with the member health care provider identified by the previously filled prescription stored on the host system such that the renewal request information is loaded within the web browser of the computer system and perceived by the health care provider (See Denny, Col.3, lines 20-53); receiving, by the host system via the internet, an authorization from the computer system associated with the health care provider authorizing the requested renewal of the previously filled prescription (See Denny, Col.3, lines 20-53);

transmitting, by the host system via the internet, the authorization to a computer system associated with the member pharmacy from which the renewal request originated, the authorization being loaded within the web browser of the computer system whereby the pharmacist associated with the pharmacy system is authorized to provide the requested renewal of the previously filled prescription to the patient (See Denny, Col.2, lines 30-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Denny within the combined teachings of Boyer and Kobylevsky with the motivation of providing a prescription verification system capable of minimizing the fraud abuse and errors associated with prescription drugs (See Denny, Col.1, lines 61-63).

(O) Claims 16-26 and 28-38 recite the underlying process steps of the elements of claims 4-14, respectively. As the various elements of claims 4-14 and have been shown to either disclosed by or obvious in view of the collective teachings of Boyer and Kobylevsky and Denny, it is apparent that the apparatus disclosed by the applied prior art performs the recited underlying functions. As such, the limitations recited in claims 16-26 and 28-38 are rejected for the same reasons given above for method claims 4-14, and incorporated herein.



***Response to Arguments***

5. Applicant's arguments filed on 05/16/05 with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

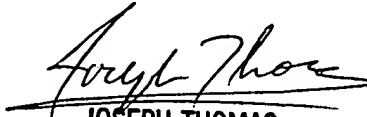
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F  
V.F

July 22, 2005

  
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